

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH MARCEL MUSE,

Petitioner

v.

WAYNE J. GAVIN, *et al.*,

Respondents

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CIVIL NO. 1:13-cv-2248

(Judge Rambo)

(Magistrate Judge Blewitt)

ORDER

On October 9, 2013, the magistrate judge to whom this matter was referred filed a report and recommendation (Doc. 7) in which he recommends that the petition filed pursuant to 28 U.S.C. § 2254 by Kenneth Marcel Muse be dismissed without prejudice. A copy of this report was mailed to Petitioner with notice that objections to the report and recommendation were due within fourteen (14) days but, to date, no objections have been filed.¹

Upon consideration of the record before the court and the applicable law,
IT IS THEREFORE ORDERED THAT:

1) The court adopts the report and recommendation of Magistrate Judge Blewitt (Doc. 7).

2) The petition for writ of habeas corpus (Doc. 1) filed pursuant to 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE** as the petition was filed prematurely.

3) The Clerk of Court shall close the file.

¹Objections were due no later than October 28, 2013.

4) This court declines to issue a certificate of appealability.

s/Sylvia H. Rambo
United States District Judge

Dated: November 5, 2013.